

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA, <i>et al.</i> ,)	
)	
Petitioners,)	
)	
v.)	No. 3:12-CV-107-TAV-CCS
)	
MARK IVENS,)	
)	
Respondent.)	
)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the referral of the Chief District Judge [Doc. 20].

On March 11, 2014, the United States filed a Motion to Hold Respondent in Contempt of Court [Doc. 14]. On April 17, 2014, the Chief District Judge set a show cause hearing to address the Motion to Hold Respondent in Contempt of Court for May 5, 2014. A few days later the hearing was reset to commence on May 12, 2014. On April 25, 2014, the Motion to Hold Respondent in Contempt of Court was referred to the undersigned. The hearing before the Chief District Judge was cancelled, and on April 29, 2014, the undersigned entered an Order to Show Cause directing the Respondent to appear before the undersigned on May 27, 2014, to show cause as to why the Motion to Hold Respondent in Contempt of Court should not be granted.

On May 20, 2014, the Respondent filed a Motion to Reset Hearing Set for May 27, 2014 [Doc. 22], stating that the Respondent planned to be in Nashville on May 27, 2014. The parties appeared before the undersigned telephonically on May 23, 2014, to address the Respondent's request to continue the hearing. The United States did not object to a brief continuance of the

hearing date, and the parties agreed that the show cause hearing before the undersigned could be reset to June 26, 2014.

The Court advised counsel for the Respondent that the Court, generally, does not continue show cause hearings. However, based upon the lack of opposition from the United States, the Court was amenable to doing so in this instance. The Court admonished counsel for the Respondent that this hearing would not be reset again and asked that he advise the Respondent of the same. Counsel for the Respondent represented that the Respondent had represented to counsel that he was available on June 26, 2014, and would be present before the Court.

Based upon the foregoing, the Motion to Reset Hearing Set for May 27, 2014, [Doc. 22] is **GRANTED**. Mark Ivens is **ORDERED TO APPEAR** before the undersigned at **1:30 p.m. on June 26, 2014**, to **SHOW CAUSE** as to why the Motion to Hold Respondent in Contempt of Court [Doc. 14] should not be **GRANTED**. The Respondent is **ADMONISHED** that failure to appear before the Court at the designated time may result in a recommendation that severe sanctions, *i.e.* incarceration and monetary penalties, be imposed upon the Respondent.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge